

1 Steven T. Lowe, Esq. SBN 122208
2 steven@lowelaw.com
3 Kris LeFan, Esq., SBN 278611
4 kris@lowelaw.com
5 LOWE & ASSOCIATES, P.C.
6 11400 Olympic Blvd., Suite 640
7 Los Angeles, CA 90064
8 Telephone: (310) 477-5811
9 Facsimile: (310) 477-7672

10 Hao Ni (*pro hac vice* to be submitted)
11 hni@nilawfirm.com
12 NI, WANG & MASSAND, PLLC
13 8140 Walnut Hill Lane, Suite 500
14 Dallas, TX 75231
15 Telephone: (972) 331-4600
16 Facsimile: (972) 314-0900

17 ***Attorneys for Plaintiff***
18 ***Bluestone Innovations LLC***

19 IN THE UNITED STATES DISTRICT COURT
20 FOR THE NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 **BLUESTONE INNOVATIONS LLC,**

23 Plaintiff,

24 Case No. __

25 v.
26 **LOWE'S COMPANIES, INC.,**

27 Defendant.

28 **ORIGINAL COMPLAINT**

29 **ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

30 This is an action for patent infringement in which Bluestone Innovations LLC (“Plaintiff”)
31 makes the following allegations against Lowe's Companies, Inc. (“Defendant”):

32 **PARTIES**

33 1. Plaintiff is a Virginia limited liability company, having a principal place of business of
34 1984 Isaac Newton Sq., Ste. 203, Reston, VA 20190.

35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
7710
7711
7712
7713
7714
7715
7716
7717
7718
7719
7720
7721
7722
7723
7724
7725
7726
7727
7728
7729
7730
7731
7732
7733
7734
7735
7736
7737
7738
7739
7740
7741
7742
7743
7744
7745
7746
7747
7748
7749
7750
7751
7752
7753
7754
7755
7756
7757
7758
7759
7760
7761
7762
7763
7764
7765
7766
7767
7768
7769
7770
7771
7772
7773
7774
7775
7776
7777
7778
7779
77710
77711
77712
77713
77714
77715
77716
77717
77718
77719
77720
77721
77722
77723
77724
77725
77726
77727
77728
77729
77730
77731
77732
77733
77734
77735
77736
77737
77738
77739
77740
77741
77742
77743
77744
77745
77746
77747
77748
77749
77750
77751
77752
77753
77754
77755
77756
77757
77758
77759
77760
77761
77762
77763
77764
77765
77766
77767
77768
77769
77770
77771
77772
77773
77774
77775
77776
77777
77778
77779
77780
77781
77782
77783
77784
77785
77786
77787
77788
77789
77790
77791
77792
77793
77794
77795
77796
77797
77798
77799
777100
777101
777102
777103
777104
777105
777106
777107
777108
777109
777110
777111
777112
777113
777114
777115
777116
777117
777118
777119
777120
777121
777122
777123
777124
777125
777126
777127
777128
777129
777130
777131
777132
777133
777134
777135
777136
777137
777138
777139
777140
777141
777142
777143
777144
777145
777146
777147
777148
777149
777150
777151
777152
777153
777154
777155
777156
777157
777158
777159
777160
777161
777162
777163
777164
777165
777166
777167
777168
777169
777170
777171
777172
777173
777174
777175
777176
777177
777178
777179
777180
777181
777182
777183
777184
777185
777186
777187
777188
777189
777190
777191
777192
777193
777194
777195
777196
777197
777198
777199
777200
777201
777202
777203
777204
777205
777206
777207
777208
777209
777210
777211
777212
777213
777214
777215
777216
777217
777218
777219
777220
777221
777222
777223
777224
777225
777226
777227
777228
777229
777230
777231
777232
777233
777234
777235
777236
777237
777238
777239
777240
777241
777242
777243
777244
777245
777246
777247
777248
777249
777250
777251
777252
777253
777254
777255
777256
777257
777258
777259
777260
777261
777262
777263
777264
777265
777266
777267
777268
777269
777270
777271
777272
777273
777274
777275
777276
777277
777278
777279
777280
777281
777282
777283
777284
777285
777286
777287
777288
777289
777290
777291
777292
777293
777294
777295
777296
777297
777298
777299
777300
777301
777302
777303
777304
777305
777306
777307
777308
777309
777310
777311
777312
777313
777314
777315
777316
777317
777318
777319
777320
777321
777322
777323
777324
777325
777326
777327
777328
777329
777330
777331
777332
777333
777334
777335
777336
777337
777338
777339
777340
777341
777342
777343
777344
777345
777346
777347
777348
777349
777350
777351
777352
777353
777354
777355
777356
777357
777358
777359
777360
777361
777362
777363
777364
777365
777366
777367
777368
777369
777370
777371
777372
777373
777374
777375
777376
777377
777378
777379
777380
777381
777382
777383
777384
777385
777386
777387
777388
777389
777390
777391
777392
777393
777394
777395
777396
777397
777398
777399
777400
777401
777402
777403
777404
777405
777406
777407
777408
777409
777410
777411
777412
777413
777414
777415
777416
777417
777418
777419
777420
777421
777422
777423
777424
777425
777426
777427
777428
777429
777430
777431
777432
777433
777434
777435
777436
777437
777438
777439
777440
777441
777442
777443
777444
777445
777446
777447
777448
777449
777450
777451
777452
777453
777454
777455
777456
777457
777458
777459
777460
777461
777462
777463
777464
777465
777466
777467
777468
777469
777470
777471
777472
777473
777474
777475
777476
777477
777478
777479
777480
777481
777482
777483
777484
777485
777486
777487
777488
777489
777490
777491
777492
777493
777494
777495
777496
777497
777498
777499
777500
777501
777502
777503
777504
777505
777506
777507
777508
777509
777510
777511
777512
777513
777514
777515
777516
777517
777518
777519
777520
777521
777522
777523
777524
777525
777526
777527
777528
777529
777530
777531
777532
777533
777534
777535
777536
777537
777538
777539
777540
777541
777542
777543
777544
777545
777546
777547
777548
777549
777550
777551
777552
777553
777554
777555
777556
777557
777558
777559
777560
777561
777562
777563
777564
777565
777566
777567
777568
777569
777570
777571
777572
777573
777574
777575
777576
777577
777578
777579
777580
777581
777582
777583
777584
777585
777586
777587
777588
777589
777590
777591
777592
777593
777594
777595
777596
777597
777598
777599
777600
777601
777602
777603
777604
777605
777606
777607
777608
777609
777610
777611
777612
777613
777614
777615
777616
777617
777618
777619
777620
777621
777622
777623
777624
777625
777626
777627
777628
777629
777630
777631
777632
777633
777634
777635
777636
777637
777638
777639
777640
777641
777642
777643
777644
777645
777646
777647
777648
777649
777650
777651
777652
777653
777654
777655
777656
777657
777658
777659
777660
777661
777662
777663
777664
777665
777666
777667
777668
777669
777670
777671
777672
777673
777674
777675
777676
777677
777678
777679
777680
777681
777682
777683
777684
777685
777686
777687
777688
777689
777690
777691
777692
777693
777694
777695
777696
777697
777698
777699
777700
777701
777702
777703
777704
777705
777706
777707
777708
777709
777710
777711
777712
777713
777714
777715
777716
777717
777718
777719
777720
777721
777722
777723
777724
777725
777726
777727
777728
777729
777730
777731
777732
777733
777734
777735
777736
777737
777738
777739
777740
777741
777742
777743
777744
777745
777746
777747
777748
777749
777750
777751
777752
777753
777754
777755
777756
777757
777758
777759
777760
777761
777762
777763
777764
777765
777766
777767
777768
777769
777770
777771
777772
777773
77

2. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of North Carolina, with its principal place of business located at 1000 Lowe's Blvd., Mooresville, NC 28117. Defendant may be served via its registered agent: Corporation Service Company, 327 Hillsborough Street, Raleigh, NC 27603.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the California Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in California and in this Judicial District.

U.S. PATENT NO. 6,163,557

6. Plaintiff is the owner by assignment of United States Patent No. 6,163,557 (the "557 Patent") entitled "Fabrication of group III-V nitrides on mesas." The '557 Patent issued on December 19, 2000. A true and correct copy of the '557 Patent is attached as Exhibit A.

7. Messrs. Clarence J. Dunnrowicz, David P. Bour and Ms. Linda T. Romano are listed as the inventors on the '557 Patent.

8. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, predecessors in interest to the '557 Patent complied with such requirements.

ORIGINAL COMPLAINT
CASE NO.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,163,557

9. Upon information and belief, Defendant has been and is now infringing at least Claim 1 of the '557 Patent in the State of California, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale LED Lightbulbs with epitaxial film (including, without limitation, at least the Utilitech A19 9W 750 lm Light Bulb) which include; a substrate including at least one upstanding mesa, each mesa having a top surface; and a group III-V nitride epitaxial film on the top surface of at least one mesa; wherein the at least one mesa including surfaces oriented along crack planes of the epitaxial film, covered by one or more claims of the '557 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '557 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '557 Patent pursuant to 35 U.S.C. § 271.

10. As a result of Defendant's infringement of the '557 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

11. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '557 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '557 Patent;

ORIGINAL COMPLAINT
CASE NO.

2. A permanent injunction enjoining Defendant and its officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the '557 Patent, or such other equitable relief the Court determines is warranted;

3. A judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '557 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: November 30, 2015.

LOWE & ASSOCIATES, P.C.

/s/ *Kris LeFan*

By: _____
KRIS LEFAN

Attorney for Plaintiff
BLUESTONE INNOVATIONS LLC

ORIGINAL COMPLAINT
CASE NO.